

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2-3, 9-10, 16-25, 27-28, and 35-56 are cancelled. Claims 1, 4-8, 11-15, 26, and 29-34 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 4-7, 11-15, 29, and 31-33 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 1-15 and 26-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Benjamin (U.S. Patent No. 6,721,489) in view of Marko (U.S. Patent No. 6,564,003). Claims 2-3, 9-10, and 27-28 are cancelled. Applicants submit that the remaining claims are patentably distinguishable over the relied on sections of the references.

As amended herein, claim 1 recites:

determining whether user preset key information is included in the header portion of the additional information, the key information indicating a format of the payload of the data portion of the additional information[.]

(Emphasis added.) Neither the relied on sections of Benjamin nor the relied on sections of Marko disclose or suggest determining whether user preset key information is included in a header portion of additional information.

Though the relied on sections of Benjamin describe that properties stored in a tag are compared against criteria specified for a player list (see col.14 ll.47-48), the relied on sections of the reference are not at all concerned with making such a comparison against a header portion.

The relied on sections of Marko do not remedy this deficiency.

Claim 1 also calls for:

storing, from the additional information, only the payload of the data portion thereof in a storage medium only if the user preset key information is determined to be included in the header portion of the additional information[.]

(Emphasis added.) Neither the relied on sections of Benjamin nor the relied on sections of Marko disclose or suggest storing only a payload of a data portion of additional information. Moreover, for the reasons set out above, neither the relied on sections of Benjamin nor the relied on sections of Marko disclose or suggest carrying out such storing only if user preset key information is determined to be included in a header portion of additional information.

Though the relied on sections of Benjamin describe storing a play list and identified tracks in the play list on a selected device (see col.13 ll.31-34), the relied on sections of the reference are not at all concerned with storing only a payload of a data portion of a play list.

The relied on sections of Marko do not address this deficiency.

Additionally, claim 1 sets forth:

deleting the additional information if the user preset key information is determined not to be included in the header portion of the additional information.

(Emphasis added.) Neither the relied on sections of Benjamin nor the relied on sections of Marko disclose or suggest deleting additional information, and neither the relied on sections of Benjamin nor the relied on sections of Marko disclose or suggest such deleting is carried out if user preset information is determined not to be included in a header portion of additional information.

It follows, for at least these reasons, that neither the relied on sections of Benjamin nor the relied on sections of Marko, whether taken alone or in combination, disclose or suggest the method set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on references.

Independent claims 8, 26, and 34 have each been amended to recite features similar to those set out in the above excerpts of claim 1. Claims 8, 26, and 34 are therefore each patentably distinct and unobvious over the relied on sections of Benjamin and Marko for at least the same reasons.

Claims 4-7 depend from claim 1, claims 11-15 depend from claim 8, and claims 29-33 depend from claim 26. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Accordingly, Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

Application No.: 10/021,875

Docket No.: SONYJP 3.0-857

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 25, 2008

Respectfully submitted,

By 

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